REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-13 and 16-20 are pending in this application with new claim 20 being added by the present Amendment. Claims 14 and 15 having been cancelled by the present amendment without prejudice to the subject matter contained therein.

Interview Summary

Initially, Applicants wish to thank the Examiner for the courtesies extended to Applicants' representative during the telephonic interview of March 16, 2010. The parties discussed the 35 U.S.C. § 103(a) rejection and more specifically the Jorgensen reference. Applicants discussed that Jorgensen teaches a packet header analysis module 1624 determines from a source application packet header table 1628 the type of source application making the IP flow. The Examiner understood Applicants interpretation of Jorgensen. Applicants suggested claim amendments to claim 1. The Examiner indicated the amendments were close, however no agreement was made regarding these suggested amendments. The Examiner suggested further detail regarding the core as claimed.

Applicants have amended claim 1 to be consistent with the interview. The Examiner agreed to contact Applicant's representative should the amendments not place the claims in condition for allowance.

Objections

Claims 1 and 7 are objected to because of claim language informalities. Applicants have amended claims 1 and 7 taking into consideration the Examiner's comments. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-19 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although Applicants do not necessarily agree with the Examiner, Applicants have amended claim 1 taking into consideration the Examiner's comments. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-19 under 35 U.S.C. § 112.

Claims 1-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended claim 1 taking into consideration the Examiner's comments. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-19 under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 103

Jorgensen/Bloebaum/Thomas

Claims 1-5, 7-10 and 12-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,590,885 to Jorgensen (Jorgensen) in view of US 6,535,815 to Bloebaum (Bloebaum) and further in view of US 2002/0198945 to Thomas (Thomas). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner asserts that the Packet Header Identification component and the Packet Characterization component in Jorgensen teach the claimed first module. Applicants respectfully disagree.

Figure 16A and column 69 lines 5 – 50 of Jorgensen disclose that module **1624** of the Packet Header Identification component **1602** and module **1632** of the Packet Characterization component **1604** work together to determine if the IP flow application is known to the system. Module **1632** performs the determination by looking up the application in an IP flow QoS requirement table. The packet header analysis module **1624** determines from a source application packet header table **1628** the type of source application making the IP flow. The Packet Header Identification component **1602** and the Packet Characterization component **1604** are associated with a logic flow diagram **1600** for an uplink IP flow analyzer **632**.

Figure 6 of Jorgensen shows the IP flow analyzer **632** as an upstream component as part of the IP flow from a customer premises equipment (CPE) to a data network. Therefore, Jorgensen does not disclose "a terminal of said plurality of communication terminals including, **a core associated with an operating system of said terminal** and configured to store information associated with said streams of application data," as required by claim 1. By contrast, Jorgensen merely uses a lookup table associated with a module upstream from a CPE.

Bloebaum and Thomas do not teach the aforementioned limitation, and the Examiner does not rely on Bloebaum and Thomas to disclose the aforementioned limitation.

Because Jorgensen, Bloebaum and Thomas alone or in combination (assuming *arguendo* that Bloebaum and Thomas could be combined with Jorgensen which the Applicants do not admit) do not teach or suggest each and every limitation of claim 1, Jorgensen in view of Bloebaum and Thomas does not render claim 1 obvious. Claims 2-5, 7-10 , 12-13 and 16-19 are patentable at least by virtue of their dependency from claim 1.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-5, 7-10, 12-13 and 16-19 under 35 U.S.C. § 103(a).

Jorgensen/Bloebaum/Thomas/Reichmeyer/Amin

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Bloebaum, Thomas and US 6,286,038 to Reichmeyer et al. (Reichmeyer).

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Bloebaum, Thomas and US 6,854,014 to Amin et al. (Amin).

Applicants respectfully traverse this rejection in that even assuming *arguendo* that Reichmeyer or Amin could be combined with Jorgensen, Bloebaum and Thomas (which Applicants do not admit), the combination of references fails to render even claim 1 obvious because Reichmeyer and Amin suffer from at least the same deficiencies as Jorgensen in view of Bloebaum and Thomas with respect to claim 1. Therefore, even in combination, Jorgensen in view of Bloebaum and Thomas further in view of Reichmeyer or Amin fails to render claims 6 and 11 obvious because claim 6 and 11 depend from claim 1. Withdrawal of these rejections is respectfully requested.

New Claims

New claim 20 has been added in an effort to provide further protection for Applicants' invention, no new matter has been added. New claim 20 is allowable at least for reasons somewhat similar as those regarding claim 1 although each claim should be interpreted solely based upon the limitations set forth therein.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____

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